

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MIKE BOKO KANUBONA,

Petitioner,

V.

IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondent.

CASE NO. 2:24-cv-00052-LK-GJL

ORDER FOR RETURN AND
STATUS REPORT, § 2241
PETITION

Petitioner Mike Boko Kanubona, who is proceeding *pro se* and *In Forma Pauperis*, has filed a 28 U.S.C. § 2241 immigration habeas Petition. Dkt. 8 Having reviewed the Petition, the Court **ORDERS** the following:

(1) Substitution of Respondent

Petitioner has named Immigration and Customs Enforcement (“ICE”) as Respondent for this action. However, the proper respondent for § 2241 petitions is “the person who has custody over [the petitioner],” not the agency employing that individual. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) (citing 28 U.S.C. §§ 2242, 2243). Petitioner represents that he is currently detained at the Northwest ICE Processing Center (see Dkt.8), so the proper respondent

1 for this action is Drew Bostock, the Field Office Director in charge of that facility. Accordingly,
2 the Clerk of Court is directed to **SUBSTITUTE** Field Office Director Drew Bostock as the
3 Respondent in this action. The Clerk is also directed to **UPDATE** the case title.

4 (2) Service

5 If not previously accomplished, electronic posting of this Order and Petitioner's § 2241
6 habeas petition shall effect service upon the United States Attorney of the Petition and all
7 supporting documents. Service upon the United States Attorney is deemed to be service upon the
8 named Respondent.

9 (3) Return

10 **Within 30 days of the date this Order is posted**, Respondent shall show cause why a
11 writ of habeas corpus should not be granted by filing a return as provided in 28 U.S.C. § 2243.
12 As a part of such return, Respondent shall submit a memorandum of authorities in support of
13 their position and should state whether an evidentiary hearing is necessary.

14 Respondent shall file the return with the Clerk of the Court and shall serve a copy upon
15 Petitioner. The return will be treated in accordance with LCR 7. Accordingly, on the face of the
16 return, Respondent shall note it for consideration on the fourth Friday after it is filed, and the
17 Clerk shall note the return accordingly. Petitioner may file and serve a response not later than the
18 Monday immediately preceding the Friday appointed for consideration of the matter, and
19 Respondent may file and serve a reply brief not later than the Friday designated for consideration
20 of the matter.

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1 (4) Change in Custody Status

2 If Petitioner's custody status changes at any point during this litigation, **Respondent**
3 **shall file a status update with the Court as soon as possible and no later than 14 days after**
4 **the change.**

5 (5) The Clerk is directed to send copies of this Order to Petitioner and to the
6 Honorable Lauren King.

7 Dated this 13th day of February, 2024.

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Grady J. Leupold
United States Magistrate Judge